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### REMARKS

Claims 1, 3-6, 8-11, 13-33, and 35 are all the claims presently pending in the application. Claims 2 and 34 have been canceled and incorporated into each of the independent claims.

Claim 34 stands rejected upon informalities (e.g., 35 U.S.C. § 112, first paragraph), claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and claims 1-6, 8-11, 13-14, and 16-35 stand rejected on prior art grounds.

With respect to the informalities rejections of Claims 4 and 34, it is noted that claim 4 does not contradict claim 1. Instead, claim 4 further limits claim 1 (which recites that the survey comprises a political poll and that a presentation unit presents a plurality of choices at a point-of-transaction terminal) and merely indicates that the survey evaluates consumer satisfaction with the transaction. There is nothing contradictory about claim 4 with regard to claim 1. A customer can indicate their satisfaction with the transaction (poll regarding the plurality of choices, etc.) and yet the survey can still be a poll.

Further with regard to claim 34, support for this limitation is found clearly in the specification (e.g., see page 10, lines 20-22) and one of ordinary skill in the art would clearly know how to make and use the invention. Claim 34 recites "wherein said political poll includes voting".

First, as would be clearly recognized by one of ordinary skill in the art (and certainly by one taking the present application as a whole), a political poll can be used with voting. There is certainly an association there, as would be clearly recognized by one of ordinary skill in the art. To incorporate a mechanism into the claimed invention to allow voting with the polling would certainly be within the ordinary skill in the art.

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As the Examiner well-knows, the claims are not construed in a vacuum. Instead, the claims are construed with reference to the specification. Nor must the claims be a production specification for every embodiment, detail, and nuance of the invention. The specification clearly enables the claims of the present application.

That is, one of ordinary skill in the art reading the present specification clearly would recognize the above, and would be able to make and use (practice) the invention, without undue experimentation. The ordinarily skilled artisan would know that voting could be certainly implemented with polling with little experimentation.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

With respect to the prior art rejections, claims 1-6, 8-11, 13-14, (and presumably claim 15 based on the Examiner's verbiage in the Office Action), 16-17 (and presumably claim 18), 19-23 and 27-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tedesco et al. (U.S. Patent No. 6,161,059) in view of Joao, and claims 24-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marcous et al. (U.S. Patent No. 5,650,604) and Joao.

These rejections are respectfully traversed in view of the following discussion.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not necessarily for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution. Thus, Applicant specifically states that no amendment to any claim herein should be

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construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant submits that all of the pending claims are patentable over the prior art of record.

## I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed (e.g., as exemplarily defined in independent claim 1) is directed to a system (and method) for conducting a survey, including a presentation unit for presenting a plurality of choices at a point-of-transaction terminal, an input unit for entering the preferred choices, a reward unit for rewarding a frequent user making the choices with loyalty points and a recording unit for recording the entered choices. The survey comprises a political poll and the political poll includes voting.

Independent claims 23, 27, 28, 30, and 31 recite combinations which include the above limitations regarding the rewarding of a frequent user making the choices with loyalty points and that the survey comprises a political poll and that the political poll includes voting.

In a second exemplary embodiment, as defined for example, by independent claim 10, a system for conducting a consumer evaluation, includes a credit card reader, a point-of-transaction (POT) terminal operatively coupled to the credit card reader, a survey being interactively and electronically displayed for the consumer at a time of a transaction, a payment gateway server operatively coupled to the point-of-transaction terminal, and a survey processing center operatively coupled to the payment gateway server. Similarly, a reward unit for rewarding a

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frequent user making the choices with loyalty points and the survey comprising a political poll and the political poll including voting are recited.

Independent claims 10, 24, 26 and 35 recite combinations which include the aspect of the survey feature and the banking/payment feature, as well as the loyalty points (or a reward in the case of claim 24) and the political poll including voting.

Such combinations of features are not taught or suggested by any of the prior art of record.

## II. THE PRIOR ART REJECTIONS

### A. The Tedesco et al., Reference in view of Joao

Tedesco discloses a vending machine method and apparatus for encouraging participation in a marketing effort.

However, Tedesco fails to teach or suggest any survey which includes political polling, let alone any political polling including voting, coupled with the aspect of rewarding a frequent user making the choices with loyalty points.

While Applicant notes that the Examiner's comments on page 5, second full paragraph of the Office Action, even assuming arguendo that one of ordinary skill in the art would have been motivated to make the Examiner's urged combination, there is no disclosure or suggestion of a system such as the invention's which includes a survey including political polling and the political pooling including voting, coupled with the aspect of rewarding a frequent user making the choices with loyalty points.

That something "can" or "could" be done, as the Examiner appears to allude, does not rise to the level of a teaching or suggestion. Indeed, Tedesco is completely silent as to such a

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political polling feature, let alone voting coupled with rewarding a frequent user, recited in independent claims 1, 23, 27, 28, 30, and 31.

Indeed, Tedesco (nor any of the other cited references) has nothing whatsoever to do with loyalty points for rewarding a frequent user. Column 4, line 17-20 of Tedesco is irrelevant to such a feature. Indeed, in Tedesco, a promotion can be based on the user's previous purchase history. There is nothing disclosed or suggested about loyalty points. Further, there is no disclosure or suggestion of a political poll including voting.

Even if Joao may incidentally indicate in paragraphs 33 that the survey(s), poll(s), and/or questionnaire(s) can be the survey(s), poll(s), and/or questionnaire(s) for goods, products, services, political (sic)...", such does not affirmatively and clearly teaches the claimed combination nor make up for the deficiencies of Tedesco described above of a reward unit for rewarding a frequent user making the choices with loyalty points and the survey comprising a political poll and the political poll including.

Regarding claim 10, Tedesco does not teach or suggest the combination of a payment system with a survey system. Additionally, as noted above, there is no teaching or suggestion by Tedesco of a reward unit for rewarding a frequent user making the choices with loyalty points and the survey comprising a political poll and the political poll including voting.

Indeed, claim 10 provides a system for conducting a consumer evaluation, which includes, inter alia, "a point-of-transaction (POT) terminal operatively coupled to said credit card reader, a survey being interactively and electronically displayed for said consumer at a time of a transaction; a payment gateway server operatively coupled to said point-of-transaction terminal; and a survey processing center operatively coupled to said payment gateway server."

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Such a combination of features is not taught or suggested by Tedesco in view of Joao.

Thus, claims 1-6, 8-11, 13-23, 27-33, and 35 are patentable over Tedesco in view of Joao.

#### **B. The Marcous et al., Reference**

Regarding claims 24-26, Marcous et al. discloses a system and method for electronic transfer of funds using an automated teller machine to dispense the transferred funds.

However, the Examiner's position is merely that Marcous teaches a credit system. However, as the Examiner freely admits, there is no teaching or suggestion of customer verification, and the administration of a survey. Such would not have been obvious to add to Marcous et al., and there certainly is no suggestion or motivation to do so.

Again, there is no authorization number, or survey, or customer verification, or linking of the two, in Marcous et al.

Further, Marcous et al. fails to teach or suggest any survey which includes political polling, let alone any political polling including voting, coupled with the aspect of rewarding a frequent user making the choices with loyalty points.

While Applicant notes that the Examiner's comments on page 23, first and second paragraphs of the Office Action, even assuming arguendo that one of ordinary skill in the art would have been motivated to make the Examiner's urged combination of Marcous et al. with Joao, there is no disclosure or suggestion of a system such as the invention's which includes a survey including political polling and the political pooling including voting, coupled with the aspect of rewarding a frequent user making the choices with a reward or loyalty points (as in the case of claim 26).

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Thus, there is no teaching or suggestion of: "... *electronically obtaining, by the payment gateway, a survey question from a survey processing unit;*

*sending, by the payment gateway, an authorization number and the survey question to the POT terminal;*

*prompting the customer to answer the survey question;*

*once an answer is entered, sending the result to the payment gateway;*

*forwarding, by the payment gateway, a result to the survey processing server; and*

*authorizing, by the survey processing server, a reward to the customer, wherein said survey comprises a political poll and wherein said political poll includes voting.*"

Claim 26 recites somewhat similar limitations and is patentable for similar reasons.

Thus, claims 24-26 are patentable over Marcous et al. In view of Joao (arguendo).

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 3-6, 8-11, 13-33 and 35, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date:

10/17/05

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that I am filing this Amendment by facsimile with the United States Patent and Trademark Office to Examiner Peter Choi, Group Art Unit 3623 at fax number (703) 872-9306 this 17th day of October, 2005.



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